

IC 31-19-19

Chapter 19. Confidentiality Requirements for Adoption History and Other Adoption Records

IC 31-19-19-1

Court files and records

Sec. 1. (a) The following items are confidential:

- (1) A petition for adoption.
- (2) Reports of the investigation made under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal).
- (3) All other papers filed in connection with a petition for adoption.
- (4) The record of evidence of the hearing.
- (5) The decree made and entered by the court, including decrees in foreign adoptions filed under IC 31-19-28 (or IC 31-3-1-10 before its repeal).

(b) The files and records of the court pertaining to the adoption proceedings:

- (1) shall be kept in the custody of the clerk of the court; and
- (2) are not open to inspection, except as provided in IC 31-19-13-2(2).

As added by P.L.1-1997, SEC.11.

IC 31-19-19-2

Agency files and records

Sec. 2. (a) All files and records pertaining to the adoption proceedings in:

- (1) the county office of family and children;
- (2) the division of family and children; or
- (3) any of the licensed child placing agencies;

are confidential and open to inspection only as provided in IC 31-19-13-2(2) or IC 31-19-25.

(b) The files and records described in subsection (a), including investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

- (1) are open to the inspection of the court hearing the petition for adoption; and
- (2) on order of the court, may be:
 - (A) introduced into evidence; and
 - (B) made a part of the record;in the adoption proceeding.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.25.

IC 31-19-19-3

Adoption history information

Sec. 3. Notwithstanding any other law, the information located in the adoption history may not be disclosed under:

- (1) IC 5-14-3; or
- (2) any freedom of information:

- (A) legislation;
- (B) rules; or
- (C) practice.

As added by P.L.1-1997, SEC.11.

IC 31-19-19-4

Confidentiality of adoption papers, records, and information; procedures for disclosure

Sec. 4. All papers, records, and information pertaining to the adoption, whether part of:

- (1) the permanent record of the court; or
- (2) a file in:
 - (A) the division of vital records;
 - (B) the division of family and children or county office of family and children;
 - (C) a licensed child placing agency; or
 - (D) a professional health care provider (as defined in IC 34-6-2-117);

are confidential and may be disclosed only in accordance with this chapter or IC 31-19-25.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.159.

IC 31-19-19-5

Disclosure of confidential information; offense; discharge from public office

Sec. 5. (a) An employer or any person administering adoption records who recklessly, knowingly, or intentionally:

- (1) discloses any confidential information relating to any adoption except as provided in:
 - (A) this chapter or IC 31-19-20 through IC 31-19-24; or
 - (B) IC 31-19-25; or
- (2) allows an employee to disclose any confidential information relating to any adoption except as provided in this chapter;

commits a Class A misdemeanor.

(b) If a public employee commits a violation described in subsection (a), the violation is cause for discharge.

As added by P.L.1-1997, SEC.11.